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09/137,989	08/21/98	GALDES	003395-0001

LMC1/0606  
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EXAMINER  
HO, R

ART UNIT  
2771

PAPER NUMBER

#7  
DATE MAILED: 06/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/137,989

Applicant(s)

Galdes et al.

Examiner  
RUAY LIAN HO

Group Art Unit  
2771



☒ Responsive to communication(s) filed on Apr 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 and 6-20 is/are rejected.

☒ Claim(s) 5 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-20 are rejected under 35 U.S.C. 102(a) as being anticipated by MacNaughton et al. (USPN 5,796,393).

**Regarding claim 1:**

Each and every element of claim 1 is disclosed by MacNaughton et al., note: the claimed 'responding to one of a synchronous help request from a client or an asynchronous help request from a client' is shown in col.2, l.3-49 & col.8, l.10-23,

the claimed 'when synchronous help is requested selecting at least one advisor' is shown in col.3, l.25-35,

the claimed 'alerting said at least one advisor; receiving a response from said at least one advisor' is shown in col.2, l.3-49 & col.8, l.10-23,

the claimed 'synchronizing the display between said client and said responding at least one advisor' is shown in col.1, l.25-27.

**Regarding claim 2:**

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The claimed 'in response to a client help request, displaying a menu of help request options including at least one of a synchronous help request option, an asynchronous help option, and a self-help option' is shown in col.2, 1.3-49 & col.8, 1.10-23.

**Regarding claim 3:**

the claimed 'having the advisor display include an identical display to that of the client' is shown in col.1, 1.25-27 & col.8, 1.10-23.

**Regarding claim 4:**

the claimed 'identical display to that of the client is displayed at a same rate for the advisor as for the client' is shown in col.1, 1.25-27.

**Regarding claim 6:**

the claimed 'the advisor has one of an additional display and an additional portion of one display, permitting search of a database of information to help the client' is shown in col.8, 1.10-23.

**Regarding claim 7:**

the claimed 'creating a reviewable discussion trail based on the client's discussion with the advisor' is shown in col.1, 1.18-49 & col.4, 1.19-23.

**Regarding claim 8:**

The claimed 'said discussion trail is stored on a server, and may be reviewed by the client at any time' is shown in col.3, 1.62 to col.4, 1.31.

**Regarding claim 9:**

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The claimed 'adding a help information generated by the advisor to the database of information accessible to clients' is shown in col.3, l.62 to col.4, l.31.

**Regarding claim 10:**

Claim 10 is rejected for the similar rationale given for claims 1, 3 and 7.

**Regarding claim 11:**

The claimed 'the answer returned to the client comprises at least one of a web page hyperlink and a posting to a web page with hints that may include one or more of the following: a video of the advisor explaining the answer and an audio recording of the hints, and visual images' is shown in col.1, l.18-49, col.2, l.3-33, col.4, l.19-23 & col.7, l.34-47.

**Regarding claim 12:**

The claimed 'said selecting at least one advisor includes using pattern matching with a database to determine which advisor is selected' is shown in col.8, l.24-42.

**Regarding claim 13:**

The claimed 'the pattern matching includes customer and profile information' is shown in col.8, l.24-42.

**Regarding claim 14:**

The claimed 'providing a persistent answer to the client system' is shown in col.6, l.8-63, claim 14 also is rejected for the similar rationale given for claims 1-11.

**Regarding claim 15:**

The claimed 'associating said persistent answer with the first web page' is shown in col.,

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Claim 15 is also rejected for the similar rationale given for claim 1.

**Regarding claim 16:**

The claimed 'the persistent answer is stored on the server system' is shown in col.6, l.8-63.

**Regarding claim 17:**

Claim 17 is rejected for the similar rationale given for claim 12.

**Regarding claim 18:**

Claim 18 is rejected for the similar rationale given for claim 13.

**Regarding claim 19:**

The claimed 'the context information comprises at least one of previous web page locations visited by the customer and actions on the previous web page locations' is shown in col.4, l.6-31.

**Regarding claim 20:**

The claimed 'said advisor is one of an artificial intelligence, a customer and a customer service representative' is shown in col.3, l.24-61.

3. Claim 5 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

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In claim 5, the claimed 'permitting the advisor to control a customer browser' is not disclosed by any prior art.

5. Applicant's arguments filed with the 14 April 2000 amendment have been fully considered but they are not persuasive.

Applicants argued that '[the MacNaughton reference] described communications such as alerting members of a community and forming a synchronous communication with interested members by means such as chatting or conferencing, are very different than a service provider responding to a "client requesting help" by "selecting at least one advisor" and "alerting said at least one advisor", so as to contact and synchronously interface with a specific requesting client' is not persuasive.

Members of a community request help is the same as 'client requesting help', the MacNaughton reference has specifically disclosed the term 'community clients'; and a community server can be an advisor to community clients who chose to send a request to the community server instead of logging on to the Internet and surf the net outright. Moreover, applicants also specifically point out in claim 20 that advisor can be 'one of an artificial intelligence, a customer and a customer service representative', the community server is a customer service representative.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruay L. Ho whose telephone number is (703) 305-3834. The examiner can normally be reached on Monday - Friday from 10 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-9707. The fax phone number for this Group is (703) 308-9051 or (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
RUAY LIAN HO  
PRIMARY EXAMINER